

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

61065

FILE: B-187409

DATE: September 29, 1976

MATTER OF:

Nordam, Division of R. H. Siegfried, Inc.

97958

DIGEST:

Protest concerning provisions in solicitation filed with agency more than 1 month after closing date for receipt of initial proposals is untimely under our Bid Protest Procedures which require that protests based upon alleged improprieties apparent in solicitation must be filed before closing date for receipt of initial proposals.

Nordam, Division of R. H. Siegfried, Inc. (Nordam), protests any award pursuant to request for proposals (RFP) F04606-76-R-0593, issued by Sacramento AFLC, McClellan Air Force Base, California. Nordam requests that the RFP be amended to require certification of compliance with Armed Services Procurement Regulation § 7-103.28 (1975 ed.) for affirmative action for the handicapped and clarification of the data requirements.

Our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(1) (1976), require that protests based upon alleged improprieties in a solicitation which are apparent prior to the closing date for receipt of initial proposals shall be filed prior to the closing date for receipt of initial proposals. Section 20.2(a) states that a protest filed initially with the contracting agency will be considered if filed within 10 days of receipt of initial adverse agency action, provided the protest was filed in accordance with the time limits prescribed in section 20.2(b) of the Procedures.

We have been advised that the closing date for receipt of initial proposals was July 7, 1976. Nordam protested to the agency by letter dated August 12, 1976.

Therefore, the protest is untimely and will not be considered on its merits.

A handwritten signature in cursive script, reading "Paul G. Dembling".
Paul G. Dembling
General Counsel